

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Clint J. BISHARD

Application No.: 10/087,132

Examiner: Levitan, D.

Filed: March 1, 2002

Group Art Unit: 2616

Customer No.: 25537

Attorney Docket No.: RIC00010

Client Docket No.: 09710_1329

For: QUEUING CLOSED LOOP CONGESTION MECHANISM

Mail Stop Petitions
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION

Dear Sir:

The above-identified application is abandoned in view of Applicants' failure to timely respond to a Final Office Action mailed on August 29, 2006, with a three month reply set.

Applicant respectfully petitions the Office to withdraw the holding of abandonment based on the fact that the a Final Office Action, dated August 29, 2006, was not received in our office until a Notice of Abandonment was mailed to us on April 26, 2007. The undersigned, hereby attests to the fact that a search of the file jacket and docket records indicates that the Final Office Action, mailed on August 29, 2006, was not received. However, the Office communication of Notice of Abandonment was received on April 26, 2007. Please see attached Appendix A. A copy of the docket record reveals that the Final Office Action was neither received nor entered in the docket. The attached entries on the report ranging from August 29, 2006 to September 29, 2006 reveal that no Final Office Action was received or entered into the docketing log book as

having been received. It is noted that Appendix A represents a copy of the docket records where the non-received Final Office Action would have been entered and docketed as received had it been so.

Additionally, a copy of the Declaration as filed (Appendix B) and a copy of the Correspondence Address and Attorney/Agent of record as listed in PAIR (Appendix C) are attached. In reviewing the PTO records as attached, it was discovered that a Mr. John Ritter, having a correspondence address in Princeton, New Jersey, is erroneously listed as the sole attorney/agent associated with the above-referenced application. As shown in the Declaration as filed, no such individual is appointed as an attorney/agent in this application and instead several individuals are appointed as attorney/agent who are not presently listed in the PTO records. It is believed that the Final Office Action, dated August 29, 2006, may have been erroneously mailed to the Princeton, New Jersey address associated with the incorrectly listed attorney/agent John Ritter, rather than to the correctly listed correspondence address for this application.

It is respectfully requested that the Holding of Abandonment be rescinded and the application returned to pending status.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

6/26/07
Date


Phouphanomketh Ditthavong
Attorney/Agent for Applicant(s)
Reg. No. 44658

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Alexandria, VA 22314
Tel. (703) 519-9952
Fax. (703) 519-9958

Tuesday

August 29, 2006

From PTO

10/371, 604
65 - 1516
11/400, 165

Return Postcard
Return Postcard
Communication Regarding
Recession of Non-Fax Request
Communication Regarding
Recession of non-fax request
Mails Regarding PTO, ~~non-harrel~~
Filing Rept
Updated Filing Rept
Notice of Recitation
Notice of Recitation
11/463, 326
11/460, 735
09/625, 252
10/370, 070
10/473, 303
10/755, 445

Notice of Recitation (Corrected)
Notice of Recitation (via fax)
Ex parte Quayle, action
Non Final Office Action
Advisory Action
Notice of Abandonment & Dismissal
Summary
Non-Final Office Action
Final Office Action
Final Office Action
Final Office Action
Notice of Recitation (via fax)

To PTO

10/720, 970 (cc)

10/054, 245 (cc)

Amend/reply, USPTO electronic
acknow/rept, filed by
Harrelly & Snyder on 8/28/2006

amend/reply, USPTO electronic
acknow/rept, filed by
Harrelly & Snyder on 8/24/2006

Tuesday (cont.)

August 29, 2006 (cont.)

To PTO (cont.)

10/097, 7470 (cc)

V2B06010 (cc)
11/466, 544

04-1541 (EUS)

11/167, 977

09/730, 672 (EUS)
JW

11/340, 011 (EUS)

JW

10/308, 683 (EUS)

11/474, 990 (EUS)

Amend/reply, USPTO electronic
acknow/rept, filed 8/28/2006
by Harrelly & Snyder

Will apply w/33 pp spec, 9
sheets, draw, dec, A6, USPTO
acknow/rept, c-p101595,
assign, USPTO electronic copies,
Notice of Recitation, filed by
Harrelly & Snyder on 8/23/2006

Will app w/33 pp spec, 4 pp
draws, A6, USPTO electronic
acknow/rept,

Amend/reply, USPTO
electronic acknow/rept

3.33(b) stamp, PTO-error;
Amend/reply, Harrelly &
Snyder, USPTO electronic
acknow/rept

EUS, USPTO electronic
acknow/rept,

RNTTFMP dec, USPTO electronic
acknow/rept; c-p101595, assign
USPTO electronic copies, rep

APPENDIX A

Wednesday

August 30, 2006

From PTO

9/1/77, 415
10/11/5, 251Notice of Recordation (via fax)
Final Office Action

20 PTO

9/1/77, 415 (eus)

c-PTO 1545, cert of name
change loc. USPTO
electronic acknowl. rept.

Thursday

August 31, 2006

From PTO

08/30/5, 301
10/1/05, 173
11/1/475, 246

11/1/465, 004

11/1/500, 208

09/1/78, 271

and 09/1/05, 03/19/59, 119

10/1/12, 425

09/1/77, 405

09/1/05, 631

09/1/06, 710

09/1/02, 043

Notice regarding Pat - prior record
Updated filing Rep'tNotice to file Missing Parts &
Filing Rep'tNotice to file New Parts & filing
Rep't

Notice of Recordation

Notice of Recordation (via fax)

Notice of Allowance w/ license
and cur.

Notice of abandonment

Advisory action

Invention Summary

Official Publication Patent

Special Published Patent

20 PTO

09/1/09, 704 (eus)

JW

Answer/Reply, USPTO
electronic acknowl. rep't

Friday

From PTO

10/04/1, 563
09/12/3, 109
10/20/2, 159

September 1, 2006

Return Postcard,
Letter Regarding Dropout
Notice of Panel Decision (or
Opposed Review)
Advisory Action
Filing Rept.
Filing Rept.
Notice of Recordation
Notice of Recordation
Notice of Non-Recordation
Notice of Recordation
Maint Lee Remarks

do PTO

Monday

September 4, 2006

FEDERAL HOLIDAY

OFFICE CLOSED

Tuesday

September 5, 2006

From PTO

- 10/083, 394 Notice of Non-Compliant Appeal
Brief
10/657, 338 3/12 Communication
10/115, 258 ^{as} cont Adversary Action
11/427, 235 Notice Non-Compliant Appeal
09/768, 669 Non-Serial Appeal Action
10/759, 404 Non-Serial Appeal Action
11/505, 281 Filing Rpt.

20 PTO

- 11/016, 201 (ac) Amend / Reply to Reduct / Clos
See Trans, USPTO Electronic
Action Rept., filed by
Herrity & Snyder, L.L.C.
9/1/2006

- 11/495, 274 (us) C - IDS, C - PTO 1449, INPL,
USPTO electronic action/rept.

- 99-756 (1) (JW/acs)
11/469, 177 Continuation app. w/ 11 pp
spec, 15 pp drawg, Aids,
desc, USPTO electronic
action/rept.

- 09/435, 088 (acs) Closer See Prg. Trans, Trans
USPTO electronic action/rept.

Wednesday

September 6, 2006

From PTO

- 11/510, 386
10/200, 898
10/284, 712
09/499, 922
09/493, 475
06/028, 709
08/705, 142
11/320, 325
11/503, 046

- Return Postcard
Non-Serial Appeal Action
Serial Appeal Action
Close Rept/Action
Close Rept/Action
Maintenance Fee Reminder
Maintenance Fee Reminder
Updated Filing Rpt
Filing Rpt.

20 PTO

- 10/041, 363 (ac)

- 10/099, 083 (ac)

- 10/798, 348 (ac)

- 10/919, 093 (ac)

- 10/888, 002 (ac)

- Amend / Reply, (Trans/acs/trans)
See, Cert of mail, filed
8/25/2006 by Wilhavong & nur
(re non-compliant armed trans)

- Amend / Reply, (Trans/acs/trans)
USPTO electronic action/rept,
filed by Herrity & Snyder,
9/3/2006.

- Notice of Appeal, USPTO electronic
action/rept, filed by Herrity
& Snyder, filed 8/25/2006

- Amend / Reply, USPTO electronic
action/rept, filed 8/25/2006
by Herrity & Snyder.

- Amend / Reply, USPTO electronic
action/rept, filed 8/25/2006
by Herrity & Snyder.

Friday

September 8, 2006

Item PTO

10/ 800, 257 *Return Postcard*
 10/ 309, 274 *Advisory Action*
 10/ 010, 774 *Non Final Office Action*
 10/ 051, 832 *Reply Brief Acknowledgment*
 10/ 315, 470 *Final Office Action*
 10/ 720, 970 *Advisory Action*
 11/ 221, 745 *Non Final Office Action*
 11/ 113, 742 *Non Final Office Action*
 11/ 057, 275 *Non Final Office Action*
 09/ 652, 908 *Notice of Allowance - Consideration*
 10/ 184, 566 *Notice of Allowance - See also one*
 10/ 007, 960 *Notice of Allowance - See also one*
 10/ 663, 400 *Notice of Allowance - Clue see one*
 09/ 656, 888 *Clue Interpretation*
 10/ 409, 375 *Clue Interpretation*
 10/ 041, 579 *Clue Interpretation*
 11/ 064, 913 *Notice of Appeal Pat*
 11/ 1522, 830 *Notice of Appeal Pat*
 11/ 460, 165 *Notice of Appeal Pat*
 11/ 160, 163 *Notice of Appeal Pat*
 11/ 340, 311 *Notice Regarding PPA (prior to 1995)*
 11/ 246, 368 *Updated filing Regt*
 10/ 341, 582 *Corrected filing Regt*
 11/ 466, 215 *Filing Regt*

dc PRO

08/815,361 (eas) C-PTO 15, (corrected)
USPTO Electronics Conf
Recd

39/909, 784. (1845) *lateral* / Ripley, east of Hanes
part confirm, USPTO
(first followed by Section 87(1)(b)) Auto - Ripley Confirm

Friday (cont.)

20 PTO (cont.)

08/746, 901 (0.30/EUS)

09/933,063 (/EUS)

59/159, 695 (MAN/EGS)

September 8, 2006 (cont.)

September 8, 2006 (cont.)

Close the Pay Trans
Trans, pay confirm
USPTO Auto Key Confirm

Please see PayShans,
trans, Ent USPTO
electronic acknowledgement

(Same as Pay Trans)
Request for Consideration
for Previously ^{and} Consideration
Submitted FDS for no,
USPTO electronic acknow-
ledgment

Monday

September 11, 2006

From PTO

10/007, 960

10/103, 574

10/003, 551

09/768, 048

10/007, 069

Return Postcard

Statement Summary

Non-Serial Office Action

Non-Serial Office Action

Notice of Allowance & Closure See

One

Tuesday September 12, 2006

From PTO

08/815, 361

Notice of Recalculation (via fax)

To PTO

09/452, 915 (EUS)

RCE - IDS e-PTO 1447
USPTO electronic action
rept.

10/158, 771 (EUS)

IDS, PTO 1447, fax
confir.

Wednesday

VIA PTO

- 11/516, 891
09/836, 589
10/903, 590
09/879, 816

Return Postcard
Return Postcard
Return Postcard
Order from Board Remandary
Case to Examiner for correction
7. Examiner answer
Non-Serial Office action
Serial Office action
Non-Serial Office action
Non-Serial Office action
Non-Serial Office action
Non-Serial Office action
Advisory action
Notice of Allow & Decline fee due
Notice of Allow & Decline fee due
Notice Regarding PPA - Prior Art
Notice Regarding PPA - Prior Art accepted
Filing Receipt

20 PTO

- 10/720, 825 (OC)

Amend/Reply, 10/PTO
electronic acknowl repl, filed
by Hardy & Snyder on
1/7/2006

10/097, 845 (OC)

Appeal Brief, 1mo EOT
USPTO electronic acknowl
repl, filed by Hardy &
Snyder on 1/7/2006

ASHT05014 (OC)

September 13, 2006

Wednesday (cont.)

do PTO (cont.)

September 13, 2006 (cont.)

ASHT05015 (OC)

Util app w/ 35ppgspec, 9 sheets
drawng, A-05, util (trans, few
trans) fee, cost of express mail,
filed 1/7/2006 by Dillbrony
& more

ASHT05018 (OC)

Util app w/ 35ppgspec, 8 sheets drawing,
A-05, util (trans, few trans) fee
cost of express mail, filed 1/7/2006
by Dillbrony & more

ASHT05019 (OC)

Util app w/ 35ppgspec, 8 sheets
drawng, A-05, util (trans, few trans)
fee, cost of express mail, filed
1/7/2006 by Dillbrony & more

ASHT05020 (OC)

Util app w/ 48ppgspec, 15
sheets drawng, A-05, util (trans
& few trans) fee, cost of express
mail, filed 1/7/2006 by
Dillbrony & more

ASHT05021 (OC)

Util app w/ 50ppgspec, 15 sheets
drawng, A-05, util (trans, few
trans) fee, cost of express mail,
filed 1/7/2006 by Dillbrony
& more

09/836, 589 (OC)

Amend/Reply, (trans, few trans)
fee, cost of mail, filed 1/7/2006
by Dillbrony & more

10/903, 590 (OC)

RCE, 1mo EOT, fee trans
cost of mail, filed 1/7/2006 by
Dillbrony & more

Wednesday (cont.)

September 13, 2006 (cont.)

20 PTO (cont.)

09/2005, 631 (OC)

Notice of Appeal, Re-
Agree Brief Review request,
trans. cert of mail, filed
by Dillenburg & More on
2/11/2006

10/109, 643 (OC)

Amend/Reply, copy of
Registration Drawing, copy of
IDS filed w/copy of
NPL previously filed,
USPTO acknowledgement, unknown
Recd., filed 8/31/2006
by Dillenburg & Snyder

09/983, 609 (OC)

Amend/Reply, (trans & fee
trans/fee, cert of mail,
filed 2/5/2006 by
Dillenburg & more

10/860, 657 (OC)

Amend/Reply, (trans & fee
trans/fee), (a), cert of mail,
filed by Dillenburg &
More on 8/31/2006

Thursday

From PTO

11/517, 017

11/517, 043

11/517, 006

11/517, 016

11/517, 015

11/517, 020

11/016, 109

09/548, 547

10/443, 776

11/458, 717

09/096, 936

09/416, 101

09/703, 070

11/409, 029

Return Postcard

Board Decision - Exam Reversed

Final Office Action

Notice of Recordation (via fax)

Decision in related to W/Andrew Cleaver

(Bramel)

Official File Patent

Official File Patent

Notice of Recordation (via fax) [from]

20 PTO

September 14, 2006

Friday

From PTO

September 15, 2006

To PTO

- 10/404, 110 (EUS) C-IDS, e-PTO14449, fax confirm
USPTO auto-Reply Confirm
- 10/404, 111 (EUS) C-IDS, e-PTO14449, fax confirm
USPTO auto-Reply Confirm
- 10/636, 438 (EUS) C-IDS, e-PTO14449, fax confirm
USPTO auto-Reply Confirm
- 10/404, 093 (EUS) C-IDS, e-PTO14443, fax confirm
USPTO auto-Reply Confirm
- 10/404, 104 (EUS) C-IDS, e-PTO14449, fax confirm
USPTO auto-Reply Confirm
- 10/404, 336 (EUS) C-IDS, e-PTO14449, fax confirm
USPTO auto-Reply Confirm
- 10/640, 407 (EUS) C-IDS, e-PTO14449, fax confirm
USPTO auto-Reply Confirm

Friday (cont.)

To PTO (cont.)

- 10/636, 789 (EUS) C-PTO14449, e-IDS, fax confirm,
USPTO auto-Reply Conf.
- 10/404, 094 (EUS) C-PTO14449, e-IDS, fax confirm,
USPTO auto-Reply Conf.

September 15, 2006 (cont)

Monday

September 18, 2006

Item PTO

- 09/005, 621
10/818, 944
07/551, 932
10/872, 050
10/465, 473
11/046, 216
09/159, 695

09/159, 675
11/507, 611
08/1963, 944
09/177, 700
09/749, 621
10/553, 328
09/870, 084
11/504, 472
11/458, 717
11/510, 386

10/068, 938
- Return Postcard
Final Office Action
Notice of Abandonment
Examiner's Answer
Delivery Action
Non-Serial Office Action
Priority Recordation (via fax)
(USPTO, loc.)
Notice of Recordation (via fax)
(MCI, loc. → MCI, LLC)
Notice of Non-Recordation
Notice of Recordation
Leave Notification
Leave Reservation
Leave Reservation
Leave Notification
Filing Rept.
return to New York
Filing Rept.
Filing Rept.
Maintenance fee Reminders

20 PTO

10/478, 790 (oc)

Amend/reply, USPTO electronic
action req'd, filed by 9/14/2006
by Harry & Snyder

10/405, 773 (oc)

Amend/reply, USPTO electronic
action req'd, filed by
Harry & Snyder on 9/7/2006

10/078, 175 (oc)

Amend/reply, USPTO electronic
action req'd, filed by H&S 9/7/

Monday (cont.)

20 PTO (cont.)

C0599005C1 (oc)

Continuation app. w/ 17 pages
APC, 5 sheets drawing,
will trans. fee (trans) file,
ADS, cert. of express mail,
filed 9/14/2006 by
Beltzberg, C. m/c

09/159, 695 (EUS)

c-PTO1595; arts. 4, name
change/merger → NCOM -
MCI, Inc. & MCI, Inc. to
MCI, LLC, USPTO electronic
confirm req'd
[actually filed 9/17/2006]

*Actually filed 9/17/2006 *

10/761, 376 (EUS)

c-IDS, c-PTO1449,
USPTO, electronic action
req't

11/260, 280 (EUS)

c-IDS, c-PTO1449 USPTO
electronic ack/neg req'd

11/458, 717 (EUS)

RNTMP, doc, USPTO
electronic ack/neg req'd
c-PTO1595, assign, USPTO
electronic confirm req'd

filed 9/13/2006

Tuesday

September 17, 2006

From PTO

- 10/406, 180
10/880, 230
10/153, 922
10/865, 257
- Non-Serial Office Action, by
Non-Serial Office Action
Final Office Action
Notice of Allowance & Closure, see
a/c
08/598, 768
11/510, 361
11/510, 366
- Notice of Recordation, (our fax)
Notice of Recordation
Notice of Recordation

To PTO

- 10/130, 873 (JW/EUS) Amend/Reply, USPTO electronic
acknowl. reçpt.
- 10/107, 924 (OC) Official Draft filed by
Marilyn E. Snyder on
1/13/06, USPTO electronic
acknowl. reçpt.
- 08/598, 768 (EUS) Certify name change, by
USPTO electronic copy/
reçpt., c-110 1585
- 10/104, 605 (J/EUS) Closer, see PTO Trans, from
USPTO electronic acknowledgement
reçpt.

Wednesday

From PTO

- 09/153, 326
10/153, 306
09/823, 626
- 10/800, 272
- Reply Brief, Communication
Serial Office Action
Board Decision, Reinhard
to Examiner
Notice of Allowance, & License
See PTO

To PTO

- 10/439, 895 (OC)
- Amend/Reply, (134713
electronic acknowledgement),
filed 9/14/06 by
Marilyn E. Snyder

Thursday

September 21, 2006

From PTO

10/370, 850

Final Office Action

To PTO

09/154, 965 (EUS)

e-IDS, e-PTO 1447,
USPTO electronic
acknowledg.

Friday

September 22, 2006

From PTO

09/419, 922

09/394, 975

10/858, 973

10/858, 973

Official First Patent

Official First Patent

Review of Recusal (per)

Review of Recusal (per)

To PTO

10/858, 973 (EUS)

e-PTO 15955, assign,
USPTO electronic confirm

10/414, 375 (EUS)

e-IDS, e-PTO 1447, NPL
USPTO electronic acknow
rcpt

10/933, 932 (EUS)

e-PTO 15955 e-IDS, NPL
docs, USPTO electronic
acknow rcpt

Monday

September 25, 2006

From PTO

- 11/520, 999
 10/264, 014
 10/341, 734
 10/315, 410
 10/341, 723
 10/054, 445
 10/241, 541
 11/115, 732
 10/709, 331
 10/079, 323
 10/141, 673
 10/706, 210
- Return Postcard
 Non-final office action
 Non-final office action
 Final office action
 Advisory action
 Final office action
 Non-final office action
 Non-final office action
 Non-final office action
 Final office action
 Non-final office action
 Non-final office action
 Non-final office action
 Non-final office action
 Draft
- 10/774, 372
 10/135, 609
 10/154, 313
 09/032, 107
- Non-final office action
 Notice of Allowance & Comm. fee due
 Notice of Allowance & Comm. fee due
 Decision re Reward Petition &
 Withdrawal MFD Actn - (84 ended)
 Other notifications
 Notice of Allowance & filing
 Rept.
- 11/510, 361
 11/463, 326
 11/202, 659
 11/516, 291
 09/743, 401
- Filing Rept
 Filing Rept
 Filing Rept
 Notice of Ficccidation
 Return Postcard

To PTO

- 10/491, 514 (OC)
- Amend/reply, USPTO electronic
 amend/rept, filed 9/10/2006
 by: Harrelly & Snyder
- 10/023, 297 (OC)
- Amend/reply, USPTO electronic
 amend/rept, filed 9/10/2006 by
 Harrelly Snyder

Monday (cont.)

September 25, 2006 (cont.)

To PTO (cont.)

- 10/023, 297 (OC)
- Amend/reply, USPTO electronic
 action, kept, filed 9/10/2006
 by: Harrelly & Snyder
- 10/817, 295 (OC)
- Amend/reply, USPTO electronic
 declaration, filed 9/10/2006
 USPTO electronic amend/rept
 by: Harrelly & Snyder
- 11/520, 476 (OC)
 (050/0002.C)
- (Cont app of 47.102 & spec, 15
 excels drop, dec, Atty
 exp of art of name change
 date, addl (trans + fee)
 Attn), inc cost of express
 mail, filed 9/10/2006
 by: Cuttboway & Morris
- 11/475, 004 (US)
- RIN IFMP, substitute
 spec, work-up spec, dec,
 USPTO electronic amend
 kept
- 09/723, 401 (OC)
- Appeal brief, 1 mo EOT trans
 cost of mail, fee Atty,
 filed by: Cuttboway & Morris
 on 9/19/2006
- 10/016, 107 (OC)
- PCG, amend, 1 mo EOT, fee
 trans, cost of mail, filed
 9/10/2006 by: Cuttboway & Morris
- 10/761, 376 (OC)
- Amend/reply, 1 mo EOT,
 USPTO electronic action, kept
 filed 9/10/2006 by: Harrelly
 & Snyder

Monday (cont.)September 25, 2006 (cont.)To PTO (cont.)

11/260,280 (cc)

Amend/reply, USPTO
electronic action/reply,
filed 9/14/2006 by
Harold C. Bruder

VZB06014 (cc)

Util app w/24 pp1 spec,
9 panels changed, dec, 10/13,
e-PTO 15953, assign, mci,
USPTO electronic action/
repl, USPTO electronic
confirm/rept.

TuesdayFrom PTO

10/084,917

Notice of recordation (USCOM-MCI, obs)
via fax

10/084,917

Notice of recordation (MCI, obs->
MCI, LLC) via fax

To PTO

10/084,917 (eus)

e-PTO 15953, cert of name
Change/Mayer (From=MCI, obs->
MCI, LLC), USPTO electronic
confirm/rept.

10/200,054 (eus)

(Change/Par Trans) trans,
cert of trans, USPTO electronic
acknow/rept.

11/467,917 (eus)

RTNTMP, dec, USPTO
electronic action/rept
e-PTO 15953, assign, uspto
confirmation/rept.

09/452,915 (eus)

Response to Review Regarding
Change, 6 sheets formal
changes, USPTO electronic
action/rept.

Wednesday

September 27, 2006

From PTO

- 11/475, 603 Return Postcard
 18/157, 590 Final Office Action
 09/693, 936 Continuation Summary
 11/113, 249 Non-Seal Office Action
 11/517, 016 Notice to File Patent Application Reqd.
 11/069, 301 Notice of above & Change See below
 11/202, 647 Notice of Allowance
 09/656, 868 Official Search Report
 10/401, 375 Official Notice of Patent
 11/044, 549 Official Published Patent
 01/010, 547 Notice of Recordation (MCIN → USPTO) via fax
 09/270, 507 Notice of Recordation (USPTO → MCIN) via fax
 09/370, 504 Notice of Recordation (MCIN, etc. → MCIN, LLC) via fax

To PTO

- 09/710, 541 (eus) Status Rec'd Pay Trans,
 Trans, cost of Trans, USPTO
 electronic action/reply
- 11/044, 397 (eus) Change of Address, USPTO
 electronic action/reply
- 10/084, 917 (eus) 3.3(B)(b) Stand, PTO/fax, USPTO
 electronic action/reply
- 08/575, 433 (a) Appeal Brief, USPTO electronic
 action/reply, filed by Berney
 & Snyder on 9/26/2006
- 09/819, 983 (oc) Notice of Appeal, Request for Pre-Appeal
 Brief Review, filed 9/28/2006
 by Berney & Snyder

Wednesday (cont.)

September 27, 2006 (cont.)

To PTO (cont.)

- 09/710, 541 (eus) (See also Pay Trans)
 Trans, cost of Trans, USPTO
 electronic action/reply
 e-PTO 1449, uspto
 electronic action/reply
- 09/870, 504 (MAW/eus) (See also Pay Trans)
 Trans, cost of Trans, USPTO
 electronic action/reply;
 e-PTO 1545, cost of name
 change/transfer (MCIN → USPTO)
 MCIN, etc. → MCIN, LLC
 USPTO electronic confirmation
 reply

Thursday

September 28, 2006

From PTO

To PTO

09/181,922 (EUS) RCC, e-ID, c-PTO144,
NPL doc, USPTO electronic
acknowl'dgpt

09/620,704 (EUS) Open to Pay, Trans.,
Trans., cert. trans.,
USPTO electronic
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09/707,902 (EUS) RCC, e-ID, c-PTO144,
NPL doc, USPTO electronic
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09/582,171 (EUS) RCC, e-ID, c-PTO144,
NPL doc, USPTO
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**DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Queuing Closed Loop Congestion Mechanism

the specification of which

- is attached hereto
 was filed on _____ as United States Application Number or PCT International Application Number
and was amended on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national application or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 (a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

(number) (country) (date filed)

Priority Claimed

yes no

(number) (country) (date filed)

yes no

APPENDIX B

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

(Application Number(s))

(Filing Date mm/dd/yy)

I hereby appoint practitioners at Customer No. 25537 which include: Steven McCann, Reg. No. 34,958; Paul A. Roberts, Reg. No. 40,289; Michael B. Chernoff, Reg. No. 42,408; Suresh Koshy, Reg. No. 42,761; Brian C. Oakes, Reg. No. 41,467; Stephen A. Zemanick, Reg. 48,724; David J. O'Neill, Reg. 42,953, my attorneys; and, Frank A. McKiel, Reg. No. 43,792, my patent agent with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

I also hereby appoint as my attorney/agent: Robert J. Ward, Reg. No. 38,652.

Send correspondence to:

Customer Number: 25537



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I hereby declare that all statements made herein of my knowledge are true and that all statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Clint J. Bishard



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Queuing closed loop congestion mechanism

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Date Registered as Attorney	02/10/1998

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